

**United States Bankruptcy Court  
for the Northern District of Iowa**

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*Eff. July 1, 1998*

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PART I

COMMENCEMENT OF CASE;  
PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

**Rule 1002-1            PETITION - GENERAL**

- (a) A petition commencing a case under the Code may be filed at the clerk's main office in Cedar Rapids or at the divisional office in Sioux City.
- (b) The debtor must sign the petition even if the debtor is represented by an attorney.
- (c) For required attachment to a corporate petition, see Local Rule 1074-1.

**Rule 1006-1            PAYMENT OF FILING FEE IN INSTALLMENTS**

- (a) On application by an individual debtor, the clerk may sign an order permitting the debtor to pay the filing fee in installments if the application provides for: (a) installments of nearly equal amounts; (b) payment of the initial installment with the filing of the petition or within 31 days thereafter; (c) subsequent installments at no more than 31-day intervals after the initial installment until the fee is fully paid; and (d) the application states that the debtor has neither paid any money nor transferred any property to an attorney or any other person for services in connection with the case.
- (b) An application to permit installment payments of petitioner's filing fee which does not conform to subsection (a) shall be presented to the court for consideration.
- (c) Only the court may deny wholly or in part the initial application or extend the time for payment of any installment.

**Rule 1007-1            LISTS, SCHEDULES, AND STATEMENTS**

- (a) Number of Copies of Petitions, Statements, Schedules, and Lists
  - (1) In a case filed under chapter 7, 9, 12, or 13, an original and four sets of copies of the petition, lists, schedules and statements must be filed with the clerk. In a case filed under chapter 11, an original and six sets of copies must be filed with the clerk.

- (2) The clerk shall make available to the United States trustee one set of copies of the petition, lists, schedules, and statements in cases under chapters 7, 9, 12, and 13 and two sets of copies in cases under chapter 11.

(b) Returned File-Stamped Copy

If the filer requests the return of a file-stamped copy of a document, the filer must include with the filing the additional copy together with a self-addressed, stamped envelope for the return of the copy.

(c) Schedules of Creditors

In each schedule of creditors, the creditors' names shall be listed alphabetically and the listing shall include the complete post office address of each creditor, including post office box or street address, city or town, state, and ZIP Code. If the individual verifying the schedule knows that the claim has been assigned or that the claim has been referred to an attorney or other agent for collection, that fact shall be stated immediately following the name of the original creditor, and the complete names and addresses of both the original creditor and the assignee or agent shall be set forth, but without twice listing the dollar amount of the debt. Each entry required by this subsection must be separated by two spaces from the next entry.

(d) Real Estate Descriptions

All real estate included in a debtor's schedules or statements should be listed by legal description as to each parcel, together with the street address, rural route address, or some other commonly used description of the location of the property. In Schedule A, each parcel of real estate shall be separately numbered, e.g. "Parcel 1," "Parcel 2."

(e) Extensions of Time

A motion seeking an extension of time in which to file schedules, statements or lists will be considered by the court *ex parte*. The motion must be served on the United States trustee. The court will not grant an extension beyond the first date set for the meeting of creditors.

**Rule 1007-2 MAILING - LIST OR MATRIX**

- (a) The petitioner must file with the petition a mailing matrix of creditors. The matrix should not contain the name and address of the debtor or the debtor's attorney. The matrix must alphabetically list the names, with complete addresses of: debtor's creditors; scheduled creditor assignees, agents, or attorneys; and equity security holders.

The format of the matrix must conform to requirements established by the clerk. A sample format of the matrix and instructions on formatting a matrix are available on request and without charge from the clerk's offices.

- (b) A matrix filed in a case under chapter 7, 9, 11, 12, or 13 shall include the Office of the United States trustee and the Accounts Receivable Unit of the Iowa Department of Revenue and Finance. An entity filing a matrix in a case under chapter 11 shall include the Internal Revenue Service, Special Procedures Staff at its address in Des Moines, Iowa.
- (c) For the names and addresses of governmental units for use in the matrix, the clerk maintains a "Matrix List for the United States as Creditor." It is available without charge from the clerk's offices. (See Local Rule 2002-2.)

#### **Rule 1017-1 CONVERSION - REQUEST FOR/NOTICE OF**

- (a) Conversion by Debtor -- Chapter 12 or 13 to Chapter 7

A Notice of Conversion filed by the debtor under § 1208(a) or § 1307(a) of the Code must be served by debtor on the United States trustee and the standing trustee.

- (b) Conversion by Debtor -- Chapter 7 to Chapter 11, 12, or 13

- (1) Case not previously converted

If the case has not previously been converted, the court will consider *ex parte* debtor's motion to convert from chapter 7 to chapter 11, 12, or 13. Debtor must serve the motion to convert on the United States trustee and the trustee.

- (2) Case previously converted

If the case has previously been converted, the debtor's motion to convert a chapter 7 case to chapter 11, 12, or 13 must be served by debtor with notice in accordance with Local Rule 1017-1(d).

- (c) Conversion by Debtor -- Chapter 11 to Chapter 7

A debtor's motion to convert from chapter 11 to chapter 7 under § 1112(a) will be considered by the court *ex parte*. Debtor must serve the motion to convert on the United States trustee.

- (d) Other Motions to Convert

Notice of all other motions to convert must be served with the motion by movant pursuant to Fed.R.Bankr.P. 2002(a)(4). The notice must provide a bar date for objections that is a business day at least 20 days from the date of service of the notice and motion. The movant shall provide in the notice that a hearing will be set if any objections are timely filed or if the court so directs, or movant may obtain a hearing date from the court and provide notice of such hearing in the notice of the motion. If notice of a hearing date is given, and no objections to the motion are filed, the hearing may be canceled only with leave of court.

#### **Rule 1017-2 DISMISSAL - REQUEST FOR/NOTICE OF**

(a) Debtor's Motion to Dismiss Chapter 12 or 13 Case

(1) Case not previously converted

If debtor's chapter 12 or chapter 13 case has not previously been converted under § 706 or § 1112, the court will consider *ex parte* debtor's motion to dismiss. Debtor must serve the motion on the United States trustee and the standing trustee.

(2) Case previously converted

If debtor's chapter 12 or chapter 13 case has previously been converted under § 706 or § 1112, debtor must serve notice of the motion and the motion in accordance with Local Rule 1017-2(b).

(b) Other Motions to Dismiss

Notice of all other motions to dismiss must be served by movant with a copy of the motion pursuant to Fed.R.Bankr.P. 2002(a)(4). The notice must provide a bar date for objections that is a business day at least 20 days from the date of service of the notice and motion. The movant may provide in the notice that a hearing will be set if any objections are timely filed or if the court so directs, or movant may obtain a hearing date from the court and provide notice of such hearing in the notice of the motion. If notice of a hearing date is given, and no objections to the motion are filed, the hearing may be canceled only with leave of court.

#### **Rule 1071-1 DIVISIONS - BANKRUPTCY COURT**

The judges' official duty stations and the places of holding court are determined by the Judicial Conference of the United States. See 28 U.S.C. § 152(b)(1).

### **Rule 1072-1 PLACES OF HOLDING COURT**

Subject to the direction of the Judicial Conference of the United States, the Judicial Council of the Eighth Circuit, or further order of this court, the places of holding court in this district are Cedar Rapids, Dubuque, Independence, Sioux City, Mason City, and Fort Dodge.

### **Rule 1073-1 ASSIGNMENT OF CASES**

- (a) Unless otherwise provided by court order, bankruptcy cases will be assigned to one of the places of holding court according to the county of the debtor's residence or principal place of business as shown on debtor's petition. If debtor has no residence or principal place of business within the district, then the case will be assigned to the county of location of the principal assets of a business debtor as shown in debtor's petition. If a debtor files a petition in this district but has no residence, principal place of business, or location of principal assets, and if selection of another place of holding court is not supported on the face of the petition or by separate affidavit, then the case will be assigned according to the county in the district which is closest to the debtor's residence or principal place of business or location of principal assets as shown in the petition.
- (b) Cases shall be assigned by the clerk to the following places of holding court:

<u>Place of Holding Court</u>	<u>Counties</u>	
Cedar Rapids:	Benton	Jones
	Cedar	Linn
	Delaware	Tama
	Iowa	
Independence:	Black Hawk	Fayette
	Bremer	Grundy
	Buchanan	Howard
	Butler	Winneshiek
	Chickasaw	
Dubuque:	Allamakee	Dubuque
	Clayton	Jackson
Sioux City:	Buena Vista	Monona
	Cherokee	O'Brien
	Clay	Osceola



	Crawford	Plymouth
	Dickinson	Sac
	Ida	Sioux
	Lyon	Woodbury
Mason City:	Cerro Gordo	Hardin
	Floyd	Mitchell
	Franklin	Winnebago
	Hancock	Worth
Fort Dodge:	Calhoun	Kossuth
	Carroll	Palo Alto
	Emmet	Pocahontas
	Hamilton	Webster
	Humboldt	Wright

- (c) The bankruptcy judge stationed in Cedar Rapids will preside over cases assigned to Cedar Rapids, Dubuque, and Independence. The bankruptcy judge stationed in Sioux City will preside over cases assigned to Sioux City, Mason City, and Fort Dodge.
- (d) Motion to Change Assignment
- (1) If a petitioner desires to have the case assigned to a different place than that provided under Local Rule 1073-1(a) and (b), the request must be made by motion filed at the time of the filing of the petition. The motion must state location of the usual assignment according to Local Rule 1073-1, the requested place of assignment, and the reason for the requested change. Petitioner must attach to the motion a copy of the creditor mailing matrix. Petitioner must serve the motion on the United States trustee by facsimile transmission (FAX) by no later than the time of the filing of the petition and motion and must file proof of service with the motion. The motion will be considered and determined without hearing by the bankruptcy judge to whom the case would have been assigned under Local Rule 1073-1(a) or (b).
- (2) If a party desires a change in the hearing location of any proceeding, the party must make the request by motion served upon all parties to the proceeding.
- (3) Notwithstanding Local Rule 1073-1(a) or (b), the presiding judge, in the interests of justice, may schedule a trial or hearing at any location within the district.

**Rule 1074-1 CORPORATIONS - PETITION**

*Eff. July 1, 1998*

A certified copy of the corporate resolution authorizing the filing of a corporation's petition must be attached to the original petition and to each copy.

## PART II

### OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

#### **Rule 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

- (a) Notice of creditors' meetings in chapters 12 and 13

In cases under chapter 12 or 13, the meeting of creditors under § 341 of the Code may be set on 10 days' notice.

- (b) Request for Notices

- (1) A creditor, equity security holder, or other entity may file a document entitled "Request for Notices." The Request for Notices must be served on the following parties, and a proof of service must be filed with the clerk:

- (a) the United States trustee;
- (b) any case or standing trustee;
- (c) any committee elected or appointed in the case or the committee's attorney if one has been employed; and
- (d) the debtor's attorney, or debtor if debtor is *pro se*.

- (2) The clerk shall not add an entity to the list of entities requesting notices unless the entity has complied with the service and proof of service requirements.
- (3) A creditor who files and serves a Request for Notices shall thereafter be entitled to all limited notices which may be served in the case. Such notices are in addition to those notices for which the Federal Rules of Bankruptcy Procedure require service on all creditors and also in addition to those notices which must be served on the creditor as a party against whom relief is sought.
- (4) Any entity who is not a creditor, a debtor, or an indenture trustee, and who files and serves a Request for Notices shall thereafter be entitled to all notices for which the Federal Rules of Bankruptcy Procedure require service on all creditors and to all limited notices which may be served in the case.
- (5) For purposes of this Rule, the term "limited notices" means any notices which the Federal Rules of Bankruptcy Procedure require to be served pursuant to court

direction by the following or similar language: “such other entity as may be designated by the court,” “on notice as the court may direct,” to “any entity as the court may direct,” to “other party as the court may direct,” to “entities designated by the court,” to “other entities as directed by the court,” to “other parties in interest as the court directs,” or to “other parties in interest as the court may designate.”

“Limited notices” also means any notices which pursuant to the Federal Rules of Bankruptcy Procedure are required to be served on all creditors but for which the court enters an order directing service on fewer than all creditors.

- (6) An entity entitled to limited notices under this Rule shall be entitled to such notice regardless of whether the court actually directs notice to that entity, unless the court specifically directs otherwise.
- (7) An entity who by court order, the Federal Rules of Bankruptcy Procedure, or these Local Rules is required to serve a notice shall be responsible for serving the notice in accordance with this Rule.
- (8) The clerk shall maintain a list of entities that file Requests for Notices in a case. The list shall be maintained in front of the case file, and it shall include the date of the filing of each request, the name and address of the entity to whom notices are to be sent, and, if different, the identity of the entity on whose behalf the request was made. The list shall be available from the clerk who shall charge for the list in accordance with any schedule of required fees.
- (9) Filing a Request for Notices does not effectuate a change in the address of a creditor, equity security holder or indenture trustee as it was originally shown in the creditor list or schedules and as shown in the mailing matrix. The service address of a scheduled or listed creditor, equity security holder or indenture trustee is changed only pursuant to Fed.R.Bankr.P. 2002(g).

#### **Rule 2002-2 NOTICE TO UNITED STATES OR FEDERAL AGENCY**

- (a) The clerk shall cooperate with the United States attorney for the Northern District of Iowa in compiling a list of agencies, departments, administrations, and services of the United States which are commonly scheduled as creditors in bankruptcies filed in this district. The list shall be titled “Matrix List for the United States as Creditor.” The clerk shall keep a permanent record of the list's addresses and their effective dates. The list is available from the clerk at no charge.
- (b) The list may be used by the debtor to provide the addresses of the United States as creditor in the debtor's schedules, statements, lists and the matrix filed in the case.

Service on the United States using an address from the then-current list creates a presumption of proper service on the governmental unit for notices served pursuant to Fed.R.Bankr.P. 2002, Local Rule 2002-1 and for notices served by court direction. The presumption does not apply to notices required to be given to the United States as a party against whom relief is sought in any contested matter or adversary proceeding.

- (c) In addition to the specific agencies, departments, administrations and services of the United States, the matrix of creditors shall also include the current address of the United States attorney for the Northern District of Iowa, whose address shall be available from the clerk as part of the list. A listing of the United States attorney must include a designation of each scheduled agency, department, administration or service using its initials, e.g. "United States attorney (FSA)."
- (d) A debtor is not excused from scheduling and listing a United States governmental unit merely because the debtor's creditor is not included in the clerk's list.

#### **Rule 2004-1 DEPOSITIONS & EXAMINATIONS**

- (a) Parties Must Confer

Prior to filing a motion for an examination under Fed.R.Bankr.P. 2004, the party seeking the examination must contact the attorney for the entity to be examined (or the entity directly if the entity is not represented by an attorney) to attempt to reach agreement that the examination may be taken and to agree as to the date, time, and place of the examination and any documents to be produced.

- (b) Consent Motions

A motion for an examination under Fed.R.Bankr.P. 2004 which certifies that the parties have agreed to the specific arrangements described in the motion will be granted by the court without further notice or hearing. The motion must be accompanied by a proposed order which contains the date, time, and place of the examination and which describes any documents to be produced.

- (c) Contested Motions

- (1) If the parties are unable to agree to the taking of a proposed Rule 2004 examination, the motion seeking the examination must state the need for the examination and the nature of the dispute over its taking. The motion must show the proposed time, date, and place of the examination and any documents to be produced. The motion must also state what efforts were made to reach agreement as to the taking of the examination. The motion must be accompanied by a proposed order granting the motion. The proposed order must specify the name of

the person to be examined; the time, date, and place of the examination; and any documents to be produced.

- (2) Movant must serve a copy of the motion and the proposed order upon opposing counsel or upon the entity to be examined if the entity is not represented by counsel. The party opposing the examination shall have 10 days from the date of service to file an objection to the motion. The objection must state the grounds therefor. The court will determine whether to set the motion for hearing or rule on the motion without hearing. Any request for expedited consideration of the motion shall be made pursuant to Local Rule 9073-2.

#### **Rule 2014-1 EMPLOYMENT OF PROFESSIONALS BY CHAPTER 7 TRUSTEES**

- (a) Appraisers, Auctioneers, and Agents -- Chapter 7

A chapter 7 trustee's application to hire an appraiser, auctioneer, or agent must first be submitted to the United States trustee for review and recommendation, and must be served upon the debtor and debtor's attorney. If the agreed compensation is less than \$1,000, or not more than 10% of the sales price for a sales agent, or not more than the generally applicable rates for collection of commercial accounts receivable, and the United States trustee agrees with such employment on such terms, such employment and terms shall be deemed approved upon such application with the United States trustee's agreement annexed to the application being filed with the clerk. If the agreed compensation exceeds such amounts or if the United States trustee does not agree with such employment, the United States trustee shall file the application with the report and recommendation to the court for disposition.

- (b) Attorneys and Accountants -- Chapter 7

An application by a chapter 7 trustee for an order approving the employment of an attorney or an accountant shall first be submitted to the United States trustee for review and recommendation and served upon the debtor and debtor's attorney. The application submitted to the United States trustee must be accompanied by a written statement setting forth the facts that in the trustee's view justify the retention of such attorney or accountant and the terms and conditions of employment. The United States trustee shall then file the trustee's application with a recommendation on such employment, but without any detailed disclosure of the facts of justification.

#### **Rule 2016-1 COMPENSATION OF PROFESSIONALS**

- (a) Trustee Fees and Expenses

(1) Trustee Fees

Unless the court orders otherwise either before or after the filing of the trustee's final report, a chapter 7 trustee is excused from the fee itemization requirements of Fed.R.Bankr.P. 2016(a) if the request for compensation is \$1,250 or less.

(2) Trustee Reimbursed Expenses

Unless the court orders otherwise either before or after the filing of the trustee's final report, a chapter 7 trustee is excused from the expense itemization requirements of Fed.R.Bankr.P. 2016(a) if the request for reimbursement is \$300 or less. However, the trustee must verify in the expense reimbursement request that the unitemized expenses were actual and necessary expenses in the trustee's service to the estate and that the request does not include overhead expenses.

(b) Attorney for Debtor - Chapter 13

The attorney for debtor in a chapter 13 case is excused from the application requirements of Fed.R.Bankr.P. 2016(a) and the notice requirement of Fed.R.Bankr.P. 2002(a)(6) if the request for compensation is less than the base amount established by the court at the time of confirmation of the plan. The base amount figure is available from the clerk and applies to all attorney compensation through the first confirmation of a plan. The standing trustee shall ascertain from the attorney's fee disclosure statement whether the attorney's agreement for fees is less than the base amount, and if so, the agreed compensation shall be awarded in the proposed order of confirmation. Any additional request for fees for work done after confirmation requires a fee application under Fed.R.Bankr.P. 2016.

**Rule 2090-1 ATTORNEYS - ADMISSION TO PRACTICE**

(a) Roll of Attorneys

The bar of the Bankruptcy Court for the Northern District of Iowa shall consist of those attorneys who are admitted to practice and who remain in good standing before the United States District Court for either the Northern or Southern District of Iowa.

(b) Appearances

(1) Who May Appear Generally

Except when a *pro hac vice* appearance is permitted by the court or when a Department of Justice attorney appears for the United States, only a member of the bar of the bankruptcy court may appear as an attorney in the bankruptcy court.

(2) Form of Appearance

An attorney making an appearance shall, either by filing a written appearance or by signature to the first pleading filed, cause the clerk's record to reflect clearly the office address, telephone number, FAX number, and identification number of the attorney and the name of the party for whom appearance is made.

(3) *Pro Hac Vice* Admission

Upon written application to the bankruptcy court and in its discretion, an attorney who is not a member of the bar of the bankruptcy court may be permitted to appear and participate in a pending case and/or proceeding. The application shall provide:

- (a) the attorney's residence, office address, telephone number, FAX number, and attorney identification number;
- (b) the courts to which the applicant has been admitted to practice and the dates of admission;
- (c) that the applicant is in good standing and eligible to practice in said courts;
- (d) whether the applicant is currently suspended or disbarred in any court;
- (e) if the applicant has concurrently or within the year preceding the current application made any *pro hac vice* application to this court, the title and number of each action wherein such application was made, the date of the application, and whether or not the application was granted, and
- (f) acknowledgment that if the *pro hac vice* application is granted, the attorney is subject to the jurisdiction of the court with respect to the attorney's conduct to the same extent as a member of the bar of this court and is subject to the Iowa Code of Professional Responsibility for Lawyers.

(4) Associate Counsel Requirement for Attorneys Appearing *Pro Hac Vice*

Any attorney who is admitted *pro hac vice* must have associate counsel who is an active member in good standing of the bar of the bankruptcy court. The appearance, office address, telephone number, and FAX number of such counsel



shall be entered of record, and all notices and pleadings shall be served also upon such associate counsel in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules. The attendance of counsel admitted *pro hac vice* or associate counsel at any hearing or trial shall be sufficient appearance for the party or parties whom counsel represents. The associate counsel requirement does not apply to parties who are appearing *pro se* or to attorneys of governmental units. On written motion and for good cause, the court may excuse compliance with the local-counsel requirement.

(c) Change of Address or Telephone Number

(1) Members of the Bankruptcy Bar

An attorney admitted to practice before the court shall be responsible for keeping the court informed of any changes in the attorney's address or telephone number(s). Notification of a change shall be accomplished by submitting to the clerk a "Notice of Change of Address [or Telephone Number]." The notice shall contain the attorney's new address or telephone number(s) and the effective date of the change. For purposes of the attorney's responsibility to the court under this rule, it is not required that the notice be captioned or filed in a particular case.

(2) Attorneys Admitted *Pro Hac Vice*

An attorney who has been admitted *pro hac vice* in any pending case or proceeding shall be responsible for keeping the court informed of any changes in the attorney's address or telephone number(s). Notification of a change shall be accomplished by filing in each pending case or proceeding a "Notice of Change of Address [or Telephone Number]." The notice shall contain the attorney's new address or telephone number(s) and the effective date of the change. A notice shall bear the caption of the case or proceeding. The attorney shall serve each such notice upon the United States trustee, any case trustee, any committee appointed in the case or its counsel, and any opposing counsel in a pending adversary or contested matter proceeding.

(d) Standards of Professional Responsibility and Conduct

The Code of Professional Responsibility adopted by this court is the Code of Professional Responsibility adopted by the Supreme Court of Iowa, as amended from time to time, except as may otherwise be provided by this court or the District Court. The court adopts as recommended guidelines for professional conduct the Standards for Professional Conduct approved by the Iowa State Bar Association.

(e) Law Student Practice

A law student enrolled in a reputable law school fully approved by the American Bar Association may appear as counsel before the court under the following conditions.

(1) Certification

The dean of the law school must certify to this court that the student has completed at least the equivalent of three (3) semesters of the work required by the school to qualify for the J.D. or L.L.B. degree.

(2) Supervision

The student's appearance must be under the direct supervision of an attorney admitted to practice before this court who is personally present and has appeared of record in the case.

(3) Compensation

The student may not receive compensation for a court appearance; however, this prohibition shall not prevent a student from receiving general compensation from an employer-attorney or from a school-administered fund. Nothing in this rule shall prevent the court from awarding reasonable attorney fees under an appropriate statute for time expended by a student as long as the student does not receive any of the fee.

**Rule 2091-1 ATTORNEYS - WITHDRAWALS**

An attorney who has appeared of record in a case or proceeding may withdraw only with leave of court and for good cause. The attorney's motion to withdraw must be served on the client, the United States trustee, the case or standing trustee, if any, any party who has filed a Request for Notices, and opposing counsel in any pending contested matter or adversary proceeding in which movant has appeared.

### PART III

#### CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

##### **Rule 3007-1 CLAIM - OBJECTIONS**

- (a) A party objecting to the allowance of a claim must serve claimant with a copy of the objection and a notice stating that the claimant must file and serve a response to the objection within 20 days of service of the objection, or the objection may be sustained without further notice or hearing. The objector must serve a copy of the objection and notice on an attorney who has appeared in the case on behalf of the claimant and upon the debtor and any trustee appointed in the case. A trustee may object to claims as part of the trustee's final report.
- (b) If a response to the objection is filed and served, the clerk shall set a telephonic preliminary hearing on the objection. If debtor or any trustee wants to participate in the preliminary hearing, they must notify the party ordered to place the telephone call. If the objection cannot be resolved at the preliminary hearing, the court will schedule a final hearing.

##### **Rule 3012-1 VALUATION OF COLLATERAL**

- (a) The following procedures shall be applicable to valuation hearings held pursuant to § 506 of the Code and Fed.R.Bankr.P. 3012, and as otherwise provided by these rules.
  - (1) Any party to a valuation dispute who intends to offer into evidence an expert's appraisal of property must mark the original appraisal as an exhibit in accordance with the requirements of Local Rule 9070-1.
  - (2) Also, the offeror must mark as a separate exhibit, or include as part of the appraisal, an affidavit of the appraiser which sets forth the appraiser's qualifications.
  - (3) A party intending to offer an appraisal into evidence must serve a copy of the appraisal exhibit and appraisal affidavit on other parties to the valuation dispute at least 10 business days prior to the valuation hearing. At the same time, the party shall submit an unfiled copy to the court, marked "Judge's Copy."
  - (4) Unless an opposing party files and serves a written objection to the exhibit at least five (5) business days prior to the hearing, the appraisal exhibit will be admitted into evidence without the need of additional evidence to support the admission.

- (5) Except in unusual circumstances, or unless the offeror otherwise requests, the appraisal and affidavit will constitute the appraiser's direct testimony on the issue of value. Nonetheless, the offeror must have the appraiser present at the hearing for purposes of cross-examination.
- (6) The court may, on objection by the opposing party, deny admission of an appraisal exhibit which was not served in compliance with this rule, unless good cause is shown for the failure to comply.

**Rule 3015-2 CHAPTER 13 - AMENDMENTS (MODIFICATIONS) TO PLAN**

In addition to the dating required by Fed.R.Bankr.P. 3015(c), modified plans shall be designated sequentially as follows: "First Modified Plan," "Second Modified Plan," and so forth as may be appropriate.

**Rule 3015-3 CHAPTER 13 - CONFIRMATION**

- (a) Debtor, debtor's attorney, the standing trustee, and any party filing an objection to confirmation must attend the final confirmation hearing. Failure to appear may result in the denial of confirmation or the overruling of the objection.
- (b) If there are no objections to confirmation and the standing trustee recommends confirmation, the first hearing set for consideration of debtor's plan will be a final hearing. The debtor may offer evidence in support of confirmation by affidavit. However, the debtor must be available at the hearing to testify.
- (c) If a confirmation hearing on debtor's first proposed plan is scheduled for the same day as the meeting of creditors under § 341 of the Code, then an entity having standing to object to the plan may file an objection at any time prior to the confirmation hearing or may raise the entity's objection orally at the confirmation hearing. If an oral objection is made, the objector must file the same objection in writing within five (5) days after the initial confirmation hearing. Oral objections to the initial plan which are not confirmed by a written filing are, as to the initial plan, deemed waived.
- (d) If there are objections to confirmation, the initial hearing will be a preliminary hearing, at which time the parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. At the preliminary hearing, it shall not be necessary for the parties to provide for the attendance of witnesses.

- (e) Valuation issues may be tried on an expedited schedule prior to the final hearing on confirmation or any deadline to amend the proposed plan.
- (f) A debtor who, prior to confirmation, files a modification to a chapter 13 plan shall be responsible for serving the modified plan and the notice required by Fed.R.Bankr.P. 2002(b)(2). The debtor shall obtain the scheduling information from the presiding judge's scheduling clerk. Unless the debtor requests and obtains an order reducing time, the debtor shall determine the bar date for objections and the hearing date in accordance with the requirements of Fed.R.Bankr.P. 2002(a)(5) and 9006(f). The debtor shall also be responsible for serving any notice that may be required pursuant to Fed.R.Bankr.P. 2002(a)(5).
- (g) The party requesting modification of a confirmed chapter 13 plan shall be responsible for serving the motion to modify, the proposed modification and the notice required by Fed.R.Bankr.P. 3015(g).

#### **Rule 3015-5 CHAPTER 12 - AMENDMENTS (MODIFICATIONS) TO PLANS**

In addition to the dating required by Fed.R.Bankr.P. 3015(c), modified plans shall be designated sequentially as follows: "First Modified Plan," "Second Modified Plan," and so forth as may be appropriate.

#### **Rule 3015-6 CHAPTER 12 - CONFIRMATION**

- (a) Debtor, debtor's attorney, the standing trustee, and any party filing an objection to confirmation must attend the final confirmation hearing. Failure to appear may result in the denial of confirmation or the overruling of the objection.
- (b) If there are no objections to confirmation and the standing trustee recommends confirmation, the first hearing set for consideration of debtor's plan will be a final hearing. The debtor may offer evidence in support of confirmation by affidavit. However, the debtor or debtors must be available at the hearing to testify.
- (c) If there are objections to confirmation, the initial hearing will be a preliminary hearing, at which time the parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. At the preliminary hearing, it shall not be necessary for the parties to provide for the attendance of witnesses.
- (d) Valuation issues may be tried on an expedited schedule prior to the final hearing on confirmation or any deadline to amend the proposed plan.

- (e) Debtor shall be responsible for serving a copy of the plan and the notice required by Fed.R.Bankr.P. 2002(a)(8). The debtor shall obtain scheduling information from the presiding judge's scheduling clerk. Unless the debtor requests and obtains an order reducing time, the bar date for objections and the hearing date shall be determined in accordance with Fed.R.Bankr.P. 2002(a)(8) and 9006(f).
- (f) A debtor who, prior to confirmation, files a modification to a chapter 12 plan shall be responsible for serving the modified plan and the notice required by Fed.R.Bankr.P. 2002(a)(8). The debtor shall obtain scheduling information from the presiding judge's scheduling clerk. Unless the debtor requests and obtains an order reducing time, the bar date for objections and the hearing dates shall be determined in accordance with Fed.R.Bankr.P. 2002(a)(8) and 9006(f). The debtor shall also be responsible for serving any notice that may be required pursuant to Fed.R.Bankr.P. 2002(a)(5).
- (g) The party requesting modification of a confirmed chapter 12 plan shall be responsible for serving the motion to modify, a copy of the proposed modification, and the notice required by Fed.R.Bankr.P. 3015(g).

#### **Rule 3016-1 CHAPTER 11 - PLAN**

The proponent, upon filing a chapter 11 plan, amended plan, or amendments to a plan, shall provide the clerk with one copy of the plan identified in the upper right-hand corner as "Judge's Copy."

#### **Rule 3016-2 DISCLOSURE STATEMENT - GENERAL**

The plan proponent, upon filing a disclosure statement or any amendment thereto, shall provide the clerk with one copy of the disclosure statement or amendment identified in the upper right-hand corner as "Judge's Copy."

#### **Rule 3017-1 DISCLOSURE STATEMENT - APPROVAL**

- (a) Service of Proposed Disclosure Statement

The proponent of a plan must serve the plan, the proposed disclosure statement and the notice thereof as required in Fed.R.Bankr.P. 3017(a) and 2002(b). The proponent must serve the proposed disclosure statement and plan on those entities identified in

Fed.R.Bankr.P. 3017(a) and on any entity filing a Request for Notices pursuant to Local Rule 2002-1. The proponent shall contact the presiding judge's scheduling clerk to obtain a time, date, and place of hearing on the proposed disclosure statement. The proponent is responsible for preparing a notice of the disclosure statement hearing which substantially conforms to the applicable official bankruptcy form. The notice shall provide a bar date for filing objections to the proposed disclosure statement which is at least 25 days after the date of service of the notice. The hearing on approval of the disclosure statement may take place no earlier than eight (8) days after the bar date for objections.

(b) Service of Documents after Approval of Disclosure Statement

Upon approval of the disclosure statement, the plan proponent must comply with the service requirements of Fed.R.Bankr.P. 3017(d). The documents required to be served by Fed.R.Bankr.P. 3017(d) must also be served by proponent on entities who have filed Requests for Notices under Local Rule 2002-1(c).

**Rule 3018-1 BALLOTS - VOTING ON PLANS**

- (a) The notice of the time within which to file acceptances or rejections must provide that ballots are to be returned to the attorney for the proponent. The notice and each ballot must clearly and conspicuously show the name and the address of the attorney or firm to whom the ballots must be returned.
- (b) The proponent of the plan or its attorney must file with the clerk a verified report on the results of timely balloting. The report must be filed at least three (3) business days before the date set for the hearing on confirmation of the plan. If the court has permitted the hearing to be held on an expedited basis, i.e. the hearing has been scheduled less than three (3) business days after the deadline for the return of ballots, then the proponent must file the report on the first business day after the deadline for the return of ballots.
- (c) All ballots received, whether timely or untimely, must be bound together as an exhibit for the confirmation hearing. However, debtor is not required to serve copies of the exhibit under Local Rule 9070-1(d). Notwithstanding Local Rule 9070-1(f), the clerk shall retain the exhibit of ballots until the court issues an order permitting disposal.
- (d) A request to count an untimely ballot must be made by written motion filed at or before the hearing on confirmation.

**Rule 3020-1 CHAPTER 11 - CONFIRMATION**

- (a) If there are no objections to the proposed plan, or any objections can be satisfied through negotiation and modification of the plan, and the plan can be confirmed under § 1129(a)

of the Code, the plan proponent shall have at the confirmation hearing any necessary plan amendments, an affidavit signed by the proponent showing compliance with § 1129(a) and a proposed order of confirmation with a copy of the proposed plan and any amendments attached. The proposed order must substantially conform with the official bankruptcy form and must have attached to it a copy of the plan and all amendments thereto.

- (b) If there are objections to confirmation, the initial hearing will be preliminary. The parties shall be prepared to discuss confirmation issues, including valuation of property or secured claims, settlement, discovery, other matters appropriate to the circumstances of the case, and the selection of a final hearing date. It shall not be necessary for the parties to provide for the attendance of witnesses.

#### **Rule 3070-2 CHAPTER 12 - DEPOSIT FOR COURT COSTS**

- (a) A debtor filing a chapter 12 petition or debtors filing a joint petition under chapter 12 must, within 15 days of filing, pay the standing trustee \$250 as a deposit for court costs. Failure to pay the deposit may be grounds for dismissal of the case.
- (b) In the event the case is dismissed or converted, the deposit may be used to pay court costs and actual expenses incurred by the standing trustee as allowed by the court.
- (c) After debtor's completion of a confirmed plan and entry of a discharge order, the deposit, less any monies paid by the standing trustee to the clerk for unpaid court costs, will be returned to the debtor.
- (d) If the case is converted or dismissed, the trustee must file a proposed distribution of the deposit showing the amount to be paid to the clerk for unpaid court costs, the amount to be paid to the standing trustee for actual and necessary expenses, and the proposed distribution of any remaining balance. The standing trustee must serve notice of the proposed distribution to the debtor, debtor's attorney and the United States trustee. Objections to the proposed distribution may be filed within 20 days of the service by the standing trustee.



## PART IV

### THE DEBTOR: DUTIES AND BENEFITS

#### **Rule 4001-1 AUTOMATIC STAY - RELIEF FROM**

(a) Consent Orders

An order stipulating to relief from the automatic stay may be entered without hearing under the circumstances set out in this subsection. A motion seeking relief from the automatic stay must have been filed. The motion or order must show the assent of the affected parties. The clerk shall waive the filing fee for the motion if assent is shown at the time of the filing of the motion.

In a case under chapter 7, 12, or 13, the proposed order must show the assent of the debtor or the debtor's attorney and the trustee.

In a case under chapter 11, the proposed order must show the assent of the debtor or debtor's attorney, the attorney of any official creditors' committee, or if none, the chairperson(s) of the committee(s), and the United States trustee. If no committee has been appointed, movant may not obtain relief under this subsection.

Such order must be limited to granting relief from the automatic stay. It shall not recognize for any purpose other than relief from the stay the validity of any lien, title to any property or the validity or amount of any indebtedness. Nor shall the proposed order waive or otherwise compromise any claims of the estate against the movant.

(b) Contents of a Motion for Relief Without Consent

- (1) The motion must contain a short plain statement of the alleged facts that are grounds for relief; a mere statement of the statutory grounds for relief is insufficient.
- (2) If cause other than lack of adequate protection is alleged, the motion must explain the cause.
- (3) If lack of equity in property is an issue, the motion must state the movant's estimation of value and a brief statement as to the basis for the estimate.
- (4) If the motion seeks relief from the stay to foreclose a security agreement or mortgage affecting property of the estate, copies of the following must be attached to the motion: (a) all notes or other obligations secured by the property; and (b) all security documents involved, including evidence of perfection.

If security documents are particularly voluminous, they need not be attached to the motion, provided there is a statement in the motion to that effect, and the documents are exchanged with counsel for the opposing parties at least 10 days prior to the hearing. See Local Rule 9070-1.

Attachment of the documents to the motion shall be considered compliance with Local Rule 9070-1 regarding exchanging exhibits if the movant gives notice in the motion or by way of separate document that the movant is relying upon the documents attached in compliance with Local Rule 9070-1. Failure to object timely to the introduction of the attachments into evidence shall result in their admission pursuant to Local Rule 9070-1. Notwithstanding reliance on the attachment of the documents, movant shall offer separate copies of the attachments, marked as exhibits, at any final hearing on the motion for relief.

- (5) The motion must include a notice that any party opposing the motion must timely file and serve an answer at least five (5) days prior to the date set for the preliminary hearing on the motion.

(c) Answer Required for Resisted Motions

At the preliminary hearing, the court may refuse to hear an objection to a motion for relief or it may grant the motion by default unless an answer or other objection has been filed and served on the movant at least five (5) days before the date set for the preliminary hearing.

An answer contesting the requested relief must contain the following:

- (1) If valuation of property is at issue, the answer must state the respondent's estimate of value and give a brief statement as to the basis for the estimate. Local Rule 3012-1 regarding valuation hearings shall be applicable to the valuation dispute at any final in-court hearing on the motion for relief.
- (2) If the respondent intends to dispute the existence, validity, execution, effect or any other aspect of the notes or security documents, those objections must be stated with particularity.
- (3) If the respondent proposes to offer adequate protection, it must state with particularity the adequate protection it offers to provide. If periodic payments are proposed, the specific amounts and intervals must be stated or respondent must set forth a formula which permits ready calculation of the amounts of the payments. If substitute liens are proposed, respondent must describe the proposed collateral and its estimated value. Respondent must disclose any existing liens on substitute collateral and the value of the liens.

(d) Section 362(e) Time Requirements

For purposes of the time requirements set forth in § 362(e) of the Code, the request for relief shall be considered made on the filing date of the motion or on the date on which required service was made or on the date the motion's filing fee was paid, whichever is later.

If in the motion for relief, the movant requests any additional relief other than a request for adequate protection or prohibition of the use of collateral, the movant will be deemed to have waived the time requirements of § 362(e) of the Code.

(e) Relief from Stay by Default

A default order granting the motion for relief from stay for failure to file a timely answer will not be granted prior to the time and date set for the preliminary hearing. However, if a party against whom relief is sought has not filed an answer by the time of the preliminary hearing, the preliminary hearing will not go forward and, if the preliminary hearing was set as a telephone hearing, it will not be necessary for movant's attorney to contact the opposing attorney or any unrepresented party.

(f) Procedure for Contested Motions

(1) Telephonic Hearing

If any entity has filed an answer or objection to the motion, the preliminary hearing may be scheduled as a telephonic hearing. The attorney for the movant shall be responsible for arranging the telephonic conference. The movant shall include in the conference call any entity that has served an answer, objection, request to be heard, or other response to the motion, whether the response is timely or untimely, so long as the response has been received by movant's attorney at any time, by any method of delivery, prior to the time and date of the preliminary hearing. Movant's attorney need not include in the conference call any entity filing a response indicating consent to the relief and a desire not to be included in the conference.

(2) Preliminary Hearing

At the preliminary hearing, the following matters will be considered:

- (a) the issues in dispute and whether there is a reasonable likelihood that the entity opposing relief will prevail at a final hearing;
- (b) if the value of collateral is in dispute, the method to be used to value the collateral;
- (c) the time necessary for the final hearing;
- (d) the setting of the final hearing;
- (e) waiver of the timing requirements of § 362(e); and
- (f) such other matters as may be appropriate.

#### **Rule 4002-1 DEBTOR - DUTIES**

##### **Delinquent Tax Returns -- Chapters 11, 12, or 13**

If, on the petition date, a debtor in chapter 11, 12, or 13 has failed to file timely a tax return which was due pre-petition, debtor must file any such delinquent returns within 30 days of the petition date, unless an extension of time for filing has been granted by the court after notice and hearing. Failure to file timely a delinquent tax return under this rule may be grounds for denial of confirmation and for dismissal of the case.

#### **Rule 4002-2 CHANGE OF ADDRESS AND TELEPHONE NUMBER OF *PRO SE* DEBTOR**

A *pro se* debtor must file a statement of any change in the debtor's address or telephone number. The debtor must serve a copy of the statement on the United States trustee and trustee.

#### **Rule 4003-1 EXEMPTIONS**

- (a) An objection to exemption must state the grounds therefor. An entity filing an objection to a claim of exemption must serve a copy of the objection together with a notice of the debtor's right to file a resistance to the objection upon the debtor, debtor's attorney, the trustee (if the trustee is not the objector) and the United States trustee, and shall promptly thereafter file a proof of service. The notice must advise the debtor that he or she will have 20 days in which to file a resistance with the clerk and to make required service of the resistance. The notice must also advise that if a timely resistance is not filed, an order

will enter sustaining the objection to the claim of exemption. Any resistance must state the basis of the resistance.

- (b) If the debtor or dependent has not filed a timely resistance to the objection, the objector shall submit a proposed order sustaining the objection. A submission of such order shall constitute a certification by the objector or its attorney that the objector has not been served with a timely filed resistance and that it is now appropriate for the court to enter an order sustaining the objection.
- (c) Upon timely motion, the trustee or a creditor may obtain an extension of up to 30 days of the time for objecting to a debtor's claim of exemption. A motion for further extension must state the grounds therefor and may be granted only during the period of the initial extension and only after notice and hearing.

#### **Rule 4003-2 LIEN AVOIDANCE**

- (a) A lien avoidance motion filed pursuant to § 522(f) of the Code must contain:
  - (1) the factual basis for the motion. If the lien sought to be avoided is a judicial lien, the motion must describe the judicial proceeding in which the lien arose.
  - (2) a complete description of the property which is subject to the motion. If the property is real property, the motion must contain the property's legal description.
- (b) Movant must serve a copy of the motion together with a notice of the right to object to the motion upon all affected creditors, the trustee and the United States trustee, and shall promptly file a proof of service. The notice must advise the parties against whom relief is sought that they have 20 days (35 days if the lienholder is the United States or an officer or agency thereof) in which to file an objection to the lien avoidance motion with the clerk and to serve a copy upon the movant. The notice also shall advise the affected party that if a timely objection is not filed, an order may enter granting the relief requested. Service upon a creditor must include both the creditor and the creditor's attorney, if an appearance or pleading has been filed in the case by the attorney for the creditor.
- (c) If no creditor has filed timely objection, movant's attorney shall submit a proposed order granting the motion to avoid lien. The submission of such an order shall constitute a certification by movant's attorney that the movant's attorney has not been served with timely filed objections and it is now appropriate for the court to enter an order granting the motion to avoid lien. The proposed order must describe the property which is the subject of the order and if the property is real property, the proposed order must contain its legal description. If the lien to be avoided is a judicial lien, the proposed order must describe the judicial action in which the lien arose.

- (d) A debtor moving to avoid a judicial lien against his or her homestead may join with the motion an alternative request for a determination that the creditor's lien has not attached to the homestead.

#### **Rule 4004-2 OBJECTIONS TO DISCHARGE**

- (a) Motions to Dismiss

A motion by plaintiff to dismiss an adversary proceeding objecting to the debtor's discharge must be accompanied by an affidavit signed by either the movant or movant's attorney which sets forth all details of any settlement agreement as well as the consideration, if any, to be given in connection with the proposed dismissal of the complaint.

- (b) Service of Motion to Dismiss

The motion and affidavit must be filed with the clerk, but the movant need not serve the motion until directed by the court.

PART V  
COURTS AND CLERKS

**Rule 5001-1 COURT ADMINISTRATION**

- (a) Complaints concerning the conduct of a judicial officer or of the inability by reason of any mental or physical disability of such an officer to perform the duties of his or her office shall be governed by the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 372(c) and the rules of the Eighth Circuit Council implementing the Act.
- (b) The United States marshal or a court security officer for this district shall attend sessions of court upon request of the presiding judge or clerk. Any person having a concern regarding the security measures necessary for a proceeding should contact the clerk, or in an emergency, the presiding judge or the United States marshal's office.

**Rule 5001-2 CLERK - OFFICE LOCATION**

The office of the clerk shall be located in Cedar Rapids. The clerk shall maintain a divisional office in Sioux City.

**Rule 5003-2 COURT PAPERS - REMOVAL THEREOF**

- (a) Temporary Removal Prohibited

No case file, adversary proceeding file, or other paper filed with the clerk may be removed from the clerk's custody.

- (b) Permanent Removal of Papers

Upon written motion and a showing of good cause, the court may permit the permanent removal of a paper, document, or item from the files of the clerk. An entity requesting withdrawal of papers must furnish to the clerk a copy thereof for certification and a receipt for the original. The certified copy and receipt shall then be filed in lieu of the original, and the party receiving the original shall pay to the clerk any costs incurred by the clerk.

- (c) Exception

This rule does not prohibit the clerk from giving temporary possession of claims to the trustee, or attorney for a plan proponent, or attorney for a chapter 11 debtor-in-possession.

**Rule 5005-1 FILING PAPERS - REQUIREMENTS**

(a) Location of Files

Unless otherwise ordered by the court, files for all cases and related proceedings assigned to Cedar Rapids, Independence, or Dubuque shall be maintained by the clerk at the clerk's headquarters in Cedar Rapids. Unless otherwise ordered by the court, the files for all cases and related proceedings assigned to Sioux City, Fort Dodge, or Mason City shall be maintained by the clerk at the divisional office in Sioux City.

(b) Place of Filing

Entities may file papers in or for any case at the clerk's headquarters in Cedar Rapids or at the divisional office in Sioux City.

**Rule 5005-2 FILING PAPERS - NUMBER OF COPIES**

Except as provided by Local Rule 1007-1(a), or otherwise in these Rules, an entity filing a paper with the clerk need provide only the original for filing. If the entity filing a paper wants one or more file-stamped copies, the filing shall include the additional copies together with a self-addressed, stamped envelope for the clerk's use in returning the copies.

**Rule 5005-4 ELECTRONIC FILING**

(a) Electronic Filing

(Reserved)

(b) FAX Filing

(1) Filing papers by FAX is not permitted. Material for filing may be sent to the clerk by facsimile transmission in limited emergency situations only after express authorization by the court.

(2) Each FAX must be accompanied by a cover page which states the date of the transmission, the name and FAX number of the person to whom the paper is being transmitted, the name and telephone number of the person transmitting the paper, the docket number and title of the case to which the paper relates, the name of the paper, and the number of pages, excluding the cover page, of the paper being transmitted.



**Rule 5071-1 CONTINUANCE**

- (a) A continuance of a trial or hearing may be granted for good cause. Agreement of counsel alone is not sufficient grounds for a continuance.
- (b) A motion to continue must be filed as promptly as practicable after a party or an attorney learns of the grounds necessitating the filing of the motion.
- (c) A person intending to request a continuance must contact all opposing counsel to advise them of the intended motion and to ascertain whether opposing counsel will consent to the motion.
- (d) A motion to continue must be in writing and must specify the grounds therefor. Unless the movant is not represented by an attorney in the proceeding, the motion must state whether all opposing counsel have been contacted about the continuance and whether any opposing counsel objects to the motion. If opposing counsel could not be consulted about the continuance, the motion must specify what efforts were made to contact opposing counsel.
- (e) If an opposing party objects to the continuance, movant's counsel must contact the presiding judge's scheduling clerk to schedule a hearing on the motion. The hearing may be conducted by telephone unless the parties contemplate the introduction of evidence rather than the professional representations of counsel.
- (f) A motion to continue must be served on opposing counsel and on any parties not represented by an attorney. If the motion is resisted, the motion must contain conspicuous notice of the time and date of the hearing on the continuance and whether the hearing will be held at a court location or by telephone. If the hearing is to be held by telephone, it is the responsibility of movant to place the call and ascertain from opposing counsel the telephone number at which each may be called.
- (g) If a motion to continue is filed within 10 days of the hearing or trial date, movant's counsel must telephonically advise the presiding judge's scheduling clerk that the motion is being filed.
- (h) Movant must provide a proposed order with an unresisted motion.
- (i) A motion to continue which does not comply with this Local Rule may be denied without a hearing.

**Rule 5072-1 COURTROOM DECORUM**

- (a) Attorneys and parties shall conduct themselves in court matters with dignity, propriety, and civility. See Local Rule 2090-1(d).
- (b) Attorneys and *pro se* parties shall stand while addressing the court. Attorneys and *pro se* parties shall communicate with the court from counsel table or from behind a lectern if one is available and the court so directs or the person so desires. Counsel may not approach the bench unless requested or permitted.
- (c) Counsel and *pro se* parties may remain seated at counsel table while examining witnesses, unless the court requires use of a lectern. Counsel and *pro se* parties may approach a witness with court permission for the purpose of presenting or examining an exhibit.
- (d) Witnesses may not be addressed by their first names or nicknames.
- (e) Neither counsel nor a party may leave the court unless and until excused.
- (f) Participants attending court shall dress appropriately considering the serious nature of the proceedings.

#### **Rule 5073-1 PHOTOGRAPHY, RECORDING DEVICES, AND BROADCASTING**

(a) Prohibited Acts

A person must not take photographs, make audio tapes or videotapes, or broadcast by television or radio from the courtroom or its environs during the progress of or in connection with judicial proceedings, whether or not court is actually in session.

(b) Environs Defined

For purposes of this rule, “environs” means all rooms in a courthouse or building where a judicial proceeding is being conducted or which are being used or occupied by court personnel or proceeding participants, and all passageways and stairways immediately adjacent thereto.

(c) Judicial Proceeding Defined

As used in this rule, “judicial proceeding” means any trial or hearing held by the bankruptcy court and any meeting of creditors held pursuant to § 341.

(d) Official Record

This rule does not prohibit the clerk's use of audio equipment in recording proceedings or the use of audio tape recorders by the United States trustee, trustee, standing trustee, or other presiding officer at a meeting of creditors held pursuant to § 341.

(e) Laptop Computers

Attorneys participating in a case may use laptop computers as technical support.

(f) Portable Telephones

Portable and cellular telephones may be possessed by persons attending court proceedings. However, they may not be used during court proceedings. Portable and cellular phones brought into the courtroom must be adjusted to prevent the emanation of sound.

**Rule 5075-1 CLERK - DELEGATED FUNCTIONS OF**

The clerk is authorized to execute the following orders:

- (a) orders granting applications to pay filing fees in installments pursuant to Local Rule 1006-1(a);
- (b) discharges of debtors in chapter 7 cases;
- (c) final decrees;
- (d) pursuant to Rule 4003-1(c), orders granting a trustee's or a creditor's first request for an extension of time of up to 30 days in which to object to a debtor's claim of exemptions; and
- (e) such other orders as the court may direct.

PART VI

COLLECTION AND LIQUIDATION OF THE ESTATE

**Rule 6004-1 SALE, ABANDONMENT, OR OTHER DISPOSITION OF ESTATE  
PROPERTY**

(a) Dispositions on General Notice

Except as provided in paragraph (b) of this Rule, and unless the court orders otherwise in a particular case or proceeding, not less than 20 days' notice must be given by mail to all creditors and parties-in-interest (including the debtor, debtor's attorney, trustee, and United States trustee) with respect to any proposed sale, abandonment, other disposition of property, or the compromise or settlement of claims or controversies.

(b) Dispositions on Limited Notice in Chapter 7 Cases

Unless the court orders otherwise in a particular case or proceeding, a chapter 7 trustee may:

- (1) sell personal property having a scheduled value of less than \$3,000 after excluding the value of liens and exemptions;
- (2) compromise or settle any claim, controversy, or cause of action on an account receivable of a value claimed due by the debtor of less than \$5,000; or
- (3) abandon property of the estate

by filing a report of sale, compromise, or abandonment with the clerk, certifying thereon that a copy of said report has been served on the debtor, debtor's attorney, the United States trustee, and upon any entity who, as of the date of the filing of the report, has filed a Request for Notices pursuant to Local Rule 2002-1(b).

Any entity wanting to object to such disposition of property must file an objection with the clerk within 20 days after the filing of the report by the trustee. The objection must be served on the trustee, United States trustee, debtor and debtor's attorney. Timely filed objections will be set for hearing by separate notice. If there is no timely filed objection as to a disposition under subsection (b)(1) or (b)(3), the proposed sale or abandonment will take place without an order of court. If there is no timely filed objection to a compromise or settlement under subsection (b)(2), the trustee shall submit for the court's consideration a proposed order approving the compromise or settlement.

(c) Notice; Objection; Hearing

A notice under paragraph (a) of this Rule shall be filed and served by the trustee or the debtor-in-possession. The trustee or debtor-in-possession shall use a current copy of the clerk's matrix for serving notice. The server shall file a proof of service which has attached to it a copy of the clerk's matrix which was used for service.

The notice must provide that objections to the proposed sale, abandonment, compromise, or other disposition of property must be filed with the clerk and served on the trustee, United States trustee, debtor, and debtor's attorney within 20 days of service of the notice or within such other specific time as may have been fixed by the court. The notice must further provide that timely filed objections to the proposed disposition, if any, will be set for hearing before the court by separate notice, and if no timely objection is filed, the proposed sale or abandonment will take place without court order. If the disposition is the sale or compromise of a claim or controversy, the notice shall provide that if there is no timely filed objection, an order approving the sale or compromise will be submitted to the court for its consideration.

(d) Competing Offers on Proposed Private Sales

If a trustee or debtor-in-possession serves notice of a private sale of property of the estate, and a creditor or equity security holder files, within the time for objection, a *bona fide* offer to purchase the property at a greater price, the offer will be treated as an objection to the proposed private sale. The offer must be served on the trustee, United States trustee, debtor, and debtor's attorney.

(e) Description of Property

A trustee or debtor who proposes to sell, abandon, or otherwise dispose of property must include a description that reasonably identifies the property to be disposed of. Nothing in this rule prohibits the trustee or debtor from describing the property by incorporating by reference a description of property set forth in a document attached to the notice or motion. Such an attached document may be a copy of a mortgage, security agreement, or the relevant portion of the debtor's schedules.

(f) Notice to Creditors

The notice of the commencement of the case and the meeting of creditors in a chapter 7 case shall contain the following language:

NOTICE IS GIVEN that during the course of the administration of the estate in this chapter 7 case, the trustee may make certain dispositions of property without notice to all creditors. Under Local Rule 6004-1(b), the trustee may, on limited notice, (1) sell personalty having a scheduled value of less than \$3,000, excluding

the value of liens and exemptions; (2) compromise or settle a claim, controversy, or cause of action on an account receivable of a value claimed due by the debtor of less than \$5,000; and (3) abandon any of the estate's real property or personal property. The trustee may make these dispositions by filing with the clerk a report of the intended disposition and by serving the report on the debtor, debtor's attorney, the United States trustee, and upon anyone who has filed with the clerk a Request for Notices under this court's Local Rule 2002-1(b).

Anyone wanting notice of such dispositions must file a Request for Notices with the clerk and serve a copy on the trustee, the United States trustee, the debtor's attorney, and any appointed committee. If the debtor does not have an attorney, the Request for Notices must be served upon the debtor. An entity who files and serves a Request for Notices must file with the clerk proof of service of the request.

Anyone wanting to object to such a disposition by the trustee must file an objection with the clerk of the bankruptcy court within 20 days after the filing of the report by the trustee. The objector must serve a copy of the objection on the trustee, United States trustee, debtor, and debtor's attorney. If no objections are filed within such time period, proposed dispositions, other than compromises, will take place without further notice or the requirement of court order. Proposed compromises will be submitted to the court for consideration without further notice.

## PART VII

### ADVERSARY PROCEEDINGS

#### **Rule 7001-1 ADVERSARY PROCEEDINGS - GENERAL**

Notwithstanding Fed.R.Bankr.P. 7001(2) and (9), a debtor may request by a motion a determination that a judgment lien has not attached to debtor's homestead but only if the request is joined with a motion to avoid lien under § 522(f)(1)(A) of the Code. (See Local Rule 4003-1.)

#### **Rule 7005-2 FILING OF DISCOVERY MATERIALS**

Unless otherwise ordered or required pursuant to this rule, parties to an adversary proceeding shall not file notices of or requests for discovery or responses thereto.

#### **Rule 7026-1 DISCOVERY - GENERAL**

Rules 26(a)(1), 26(a)(2), 26(a)(3), and 26(f) of the Federal Rules of Civil Procedure as incorporated by Fed.R.Bankr.P. 7026 shall be applicable in adversary proceedings filed in this court. The timing of all disclosures under these Rules shall be determined by separate orders entered in each proceeding. Except as limited by Fed.R.Bankr.P. 30(a), the parties may engage in discovery before the scheduling conference.

#### **Rule 7033-1 DISCOVERY - INTERROGATORIES**

A party serving interrogatories shall, after each interrogatory, leave a reasonable amount of space for the response. The person preparing the answers to interrogatories shall use the space provided and any necessary attachment sheets.

#### **Rule 7036-1 DISCOVERY - REQUESTS FOR ADMISSION**

A party serving requests for admission shall, after each request, leave a reasonable amount of space for the response. The person preparing the answers shall use the space provided and any necessary attachment sheets.

**Rule 7037-1 DISCOVERY - DISPUTES**

(a) Parties Must Confer -- Affidavit

Except in circumstances where one party to a discovery dispute is appearing *pro se*, a motion relating to discovery will not be considered by the court unless counsel for the moving party has filed an affidavit stating that he or she has conferred personally in good faith with counsel for the opposing party in an effort to resolve the discovery dispute without court intervention and that the parties have been unable to reach such an agreement. Alternatively, counsel must certify what efforts were made to confer with opposing counsel or why such conference was not held.

(b) Discovery Disputes

- (1) A motion to compel discovery must have attached to it the relevant discovery requests and responses. See Local Rule 7037-1(b).
- (2) A motion seeking the imposition of sanctions under Fed.R.Civ.P. 7037(b), (c), (d), or (g) must have attached to it all documents considered by movant to be relevant to the motion.

**Rule 7054-1 COSTS - TAXATION/PAYMENT**

- (a) If the court allows costs to the prevailing party, in order to recover costs, the party must file a "Bill of Costs" (Official Bankruptcy Form B-263) and serve it upon counsel for the adverse party within 20 days of the allowance. Failure to file within the required time shall constitute a waiver of the recovery of costs.
- (b) A party opposing the clerk's taxation of costs shall have 10 days from the service of the Bill of Costs to file a resistance to taxation. After that time, the clerk shall tax the costs in the amount determined by the clerk to be appropriate. On motion served within five (5) days after the clerk's taxation of costs, a party may seek review of the clerk's taxation.
- (c) Unless otherwise ordered by the court, all costs taxed are payable directly to the party entitled thereto.

**Rule 7055-1 DEFAULT - INVOLUNTARY DISMISSAL OF SETTLED CASES**

Upon notice to the court that an adversary proceeding has been settled, the parties shall file within 30 days thereafter such papers as are required to dispose of the proceeding. Upon failure to file the papers, the court may order the dismissal of the action without



further notice and without prejudice of the right of any party to seek relief from the order of dismissal. For voluntary dismissals of objections to discharge, see Local Rule 4004-2.

**Rule 7056-1 SUMMARY JUDGMENT**

- (a) A party who files a motion for summary judgment or a resistance to a motion for summary judgment must file for chamber's use an additional copy of the motion or resistance and a copy of all papers filed in support thereof.
- (b) A party desiring oral argument on a motion for summary judgment must make the request in the motion or the resistance; the request should be identified as part of the title of the pleading. Oral argument will be held at the discretion of the presiding judge.

PART VIII

APPEALS

**Rule 8006-1 DESIGNATION OF RECORD - APPEAL**

Originals of all documents designated by the parties shall remain in the possession of the clerk. If any party desires that an original document be transmitted to the appellate court, the party shall make that request in writing to the Bankruptcy Court Clerk at the time of the designation of record.

**Rule 8007-3 DOCKETING APPEAL**

The clerk shall notify the appellate court of any failure of a party to pay required fees or costs.

## PART IX

### GENERAL PROVISIONS

#### **Rule 9001-1 DEFINITIONS**

The terms defined in Fed.R.Bankr.P. 9001 shall have the same meanings when used in these Local Rules.

#### **Rule 9004-1 GENERAL REQUIREMENTS OF FORM**

- (a) A local rule may be cited as "Local Rule \_\_\_\_" or "L.R. \_\_\_\_."
- (b) Parties may cite unpublished decisions of this court in their briefs or memoranda. The decisions of this court are available on the court's public web site. The address of the web site is available from the clerk.

#### **Rule 9006-1 TIME PERIODS - REDUCTION OR ENLARGEMENT**

A request for the reduction or enlargement of a time period specified in the Federal Rules of Bankruptcy Procedure or these Local Rules shall state the grounds therefor and must be accompanied by a proposed order. The proposed order shall contain blanks relating to the time period under consideration.

#### **Rule 9010-1 REPRESENTATIONS AND APPEARANCES - ATTORNEYS AND PRO SE PARTIES**

- (a) Attorney Identification Number -- Initial Filing

The first paper filed in a case which is required to be signed by an attorney pursuant to Fed.R.Bankr.P. 9011(a) must contain the attorney's personal identification number. The number shall be one of the following: (a) the attorney's social security number; (b) the attorney's Iowa Bar Association number, or (c) a number to be assigned by the clerk upon specific application. The application for assignment of a personal identification number may be contained in an attorney's application to appear *pro hac vice*.

- (b) Attorney Information Required for All Filings

Every paper served or filed in a case which must be signed by an attorney pursuant to Fed.R.Bankr.P. 9011(a) shall contain below the attorney's signature the attorney's business address, business telephone number, and business FAX number.

(c) *Pro Se* Parties

- (1) Only an individual may appear on his or her own behalf (*pro se*). Artificial persons such as corporations and partnerships must be represented in any proceeding by a licensed attorney. Artificial persons need not be represented by an attorney in order to appear at the meeting of creditors held pursuant to § 341 of the Code or to file proofs of claim, ballots in chapter 11 cases or acceptances or rejections of plans in cases under chapter 12 or 13.
- (2) Every paper served or filed by an entity not represented by an attorney shall contain the filer's address, telephone number, and if available, the filer's FAX number.

**Rule 9013-3 CERTIFICATE OF SERVICE - MOTIONS**

Proof of service of all papers required or permitted to be served, other than those for which a method of proof is prescribed in the Federal Rules of Bankruptcy Procedure, shall be filed promptly with the clerk, and, in any event, before action is to be taken thereon by the court. The proof of service must show the date and manner of service and may be by written acknowledgment of service, by certification of a member of the bar of this court, by affidavit of the person who served the papers, or by any other satisfactory proof.

**Rule 9014-1 CONTESTED MATTERS**

(a) Responses Required

- (1) If debtor intends to resist an objection to exemption or a motion for relief from stay, debtor shall file a response. See Local Rule 4003-1 and 4001-1(c).
- (2) If the party intends to resist a motion to avoid lien, the party affected by the motion shall file a response. See Local Rule 4003-2.

(b) Pleading

Rules 7008 and 7009 of the Federal Rules of Bankruptcy Procedure shall apply in contested matter proceedings.

(c) Discovery

- (1) The following Rules of Civil Procedure as incorporated by Fed.R.Bankr.P. 7026 and 9014 shall not be applicable to contested matter proceedings: Fed.R.Civ.P. 26(a)(1), 26(a)(2)(B), and 26(f).
- (2) The disclosures required by Fed.R.Civ.P. 26(a)(2)(A) [the disclosure of the identity of expert witnesses] and 26(a)(3) [pretrial disclosures] shall be made in contested matter proceedings at the time of the exchange of exhibits under Local Rule 9070-1.
- (3) Local Rules 7033-1, 7036-1, and 7037-1 shall apply to contested matter proceedings.

**Rule 9027-1 REMOVAL/REMAND**

When an action is removed to the bankruptcy court, the party filing the notice of removal shall file with the notice a list of the following:

- (a) all pleadings or other papers filed in the case from which the cause of action or claim is removed;
- (b) all matters pending in state court which will require resolution in the bankruptcy court; and
- (c) the names of all attorneys who have appeared in the removed action, their addresses, phone and FAX numbers, and the names of the parties whom they represent.

**Rule 9029-1 LOCAL RULES - GENERAL**

Any Local Rule of this district is subject to modification by the presiding judge as may be necessary in the interests of justice or to meet the needs of a particular case or circumstance.

**Rule 9036-1 NOTICE BY ELECTRONIC TRANSMISSION**

- (a) Electronic Notice

(Reserved)

(b) Notice by FAX

On any request to the court in which service of notice is required by the court, these Local Rules or the Federal Rules of Bankruptcy Procedure, the court may in addition to mailed notice require notice by FAX. If such notice is required by the court, the certificate of service filed with the court must include proof of such service.

**Rule 9070-1 EXHIBITS**

(a) Marking Exhibits

Prior to the commencement of a trial or hearing, all exhibits to be offered into evidence shall be marked with exhibit labels. The original label shall be affixed to the exhibit which will be offered into evidence. The plaintiff or moving party shall identify its exhibits using consecutive numbers. The defendant or respondent shall identify its exhibits using consecutive letters. If there is more than one plaintiff, moving party, defendant or respondent, the parties shall agree as to a division of numbers or letters, and the exhibit labels should clearly identify the party by whom the exhibit is offered.

(b) Exhibit List

A party offering an exhibit shall submit an Exhibit List which lists all of the exhibits which the party proposes to offer into evidence. The form of the Exhibit List is available from the clerk. Prior to the commencement of the trial or hearing, the list shall be delivered to the electronic court reporter operator (ECRO). Also prior to the commencement of the hearing or trial, the ECRO shall initial and date each exhibit label. Copies of the Exhibit List shall be made available for opposing counsel and the presiding judge.

(c) Copies of Exhibits

The party offering an exhibit into evidence shall provide copies to each opposing counsel and to the court.

(d) Exchanging Exhibits Prior to Trial

All exhibits must be served on opposing counsel at least 10 business days prior to the date of the hearing or trial. The offeror shall promptly file proof of service. If a party who proposes to introduce an exhibit into evidence serves a copy of the offered exhibit on opposing counsel in accordance with this Rule, the exhibit will be admitted without further authentication or foundation, unless a party wanting to object to the offer serves

and files a written objection at least five (5) business days prior to the commencement of the trial or hearing. The written objection must state the grounds for the objection.

(e) Custody of Clerk

All exhibits which have been received shall remain in the custody of the clerk. Before judgment in the proceeding becomes final, exhibits may not be removed from the custody of the clerk without order of the court and the execution of a receipt.

(f) Withdrawal or Destruction after Final Judgment

Unless the court orders otherwise or an appeal is filed, when judgment is final and is no longer subject to an appeal, exhibits may be claimed and withdrawn by the party to whom they belong. Any exhibits not claimed and withdrawn within 60 days may be destroyed or otherwise disposed of by the clerk. The clerk shall give the attorneys of record 10 days' notice of the clerk's intent to dispose of the exhibits.

(g) Record of Withdrawal or Destruction

The clerk shall obtain and file a receipt specifying exhibits withdrawn from the clerk's custody. The clerk shall prepare and file a statement identifying all exhibits destroyed or otherwise disposed of, the date of the clerk's action and the date notice of intent to act was served on the attorneys of record.

**Rule 9072-1 ORDERS - PROPOSED**

(a) Proposed Orders

(1) Proposed orders may be submitted to the clerk for the consideration of the presiding judge. Proposed orders may be submitted when the request for relief is uncontested or when all parties agree to the relief granted in the proposed order.

(2) Proposed orders must be submitted with the following requests for relief: extensions of deadlines, continuances, Rule 2004 examinations, avoidance of liens on default, sustaining objections to exemptions on default, and where otherwise provided by these Rules or requested by the court.

(3) Orders prepared by counsel and submitted to the clerk for the consideration of the presiding judge must be submitted as a separate document on plain bond paper. The proposed order must indicate in the lower left-hand corner of the signature page the name of the attorney who prepared and submitted the order and the party whom the attorney represents. If the order exceeds one (1) page, additional pages

shall be identified with the name of the debtor, the bankruptcy or adversary number and the order's page number.

(b) Consent Orders

When parties to a proceeding desire to resolve a matter by the entry of an order, all parties or their attorneys must consent to the entry of the proposed order. The consent may be subscribed on the proposed order or it may be indicated by separate document attached or to be attached to the proposed order.

**Rule 9073-2 HEARINGS - EXPEDITED**

- (a) A request for an expedited hearing on any matter must be made in a separate motion filed with the motion or other pleading on which the party seeks expedited hearing or relief. The motion must specify why the expedited hearing is sought, including the nature of any emergency, and the time within which the hearing is sought.
- (b) A motion for expedited hearing or relief may be combined with a request to reduce notice under Fed.R.Bankr.P. 9006.

**Rule 9074-1 TELEPHONE CONFERENCES**

- (a) A request for a telephonic hearing may be made by separate motion or in the motion, application, response, objection, or other paper necessitating the hearing. The caption's title must include a reference to the request.
- (b) A hearing will not be held by telephone if a party contemplates the examination of a witness or the offering of exhibits.